

# **CITY'S REPLY EXHIBIT M**

FILED  
EDIE RUBALCABA  
DISTRICT CLERK

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS  
FORTY-FIRST JUDICIAL DISTRICT

EL PASO COUNTY, TEXAS  
BY [Signature] DEPUTY

THE STATE OF TEXAS

VS.

DANIEL VILLEGAS

§  
§  
§  
§  
§

76187  
NO. ~~71289~~  
CAPITAL MURDER

93/5001

DEFENDANT'S MOTION TO SUPPRESS CONFESSIONS OR STATEMENTS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, DANIEL VILLEGAS, by and through his attorney of record, and before the State has commenced the presentation of its case in chief, files this Motion to Suppress any written and oral confessions or statements made by the Defendant involving this case to El Paso County law enforcement officers and would show the Court that such confessions or statements are inadmissible in the above entitled and numbered cause for the following reasons, to-wit:

I.

Said confessions or statements were involuntary and were coerced and enticed from the Defendant.

II.

At the time of the Defendant's arrest, he was a juvenile as defined by the Texas Family Code, TEX. FAM. CODE ANN. § 1.01 et. seq. (Vernon 1975). A juvenile in Texas accused of a crime is afforded certain protections, and certain restrictions are placed

on police officials which must be complied before a confession is obtained from the juvenile pursuant to TEX. FAM. CODE ANN. § 51.09 et. seq. (Vernon 1975). The police, in obtaining the alleged confession from the Defendant violated the requirements of the Texas Family Code.

III.

The Defendant was illegally interrogated by authorities of the El Paso Police Department pursuant to an illegal arrest. The Defendant was illegally detained and arrested by said Officers.

IV.

The Defendant was not immediately taken before a magistrate and given a warning of his constitutional and statutory rights as guaranteed by the United States Constitution and Code of Criminal Procedure of the State of Texas, including the right to counsel and the privilege against self-incrimination.

The Defendant was not given a warning of his constitutional and statutory rights as guaranteed by the United States Constitution and the Code of Criminal Procedure of the State of Texas by the person to whom the Defendant allegedly made the confessions.

V.

The confessions or statements were taken when the Defendant was without counsel in violation of the Sixth and Fourteenth Amendments of the United States Constitution and in the absence of an intelligent and understanding waiver of the right to

counsel.

VI.

The Defendant was denied access to counsel in violation of the Sixty and Fourteenth Amendments of the United Constitution.

VII.

The confessions or statements were tainted by the illegal detention of the Defendant resulting from the Defendant's illegal arrest.

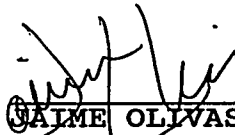
VIII.

Such actions are in bad faith, a reckless disregard for the truth and render the confession involuntary.

And for such further reasons as may appear upon oral hearing of this Motion to Suppress.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court conduct an oral hearing on the matters of law raised by this Motion and that the Court suppress any and all confessions or statements which shall appear to have been seized or taken as a result of the custodial interrogation of the Defendant in relation to this case by agents of the State or Federal Government for the above-stated reasons and for such further reasons which may appear on oral hearing of this Motion. In the event the Court finds the Defendant's confessions or statements admissible, the Defendant further moves the Court to make complete findings of facts on the issue of voluntariness.

Respectfully submitted,



JAIME OLIVAS  
Attorney for Defendant  
State Bar No. 152 5467 0  
210 North Campbell Street  
El Paso, Texas 79901  
Tel No.: (915) 532-3601  
Fax No.: (915) 532-2041

CERTIFICATE OF SERVICE

I certify that a true copy of the above and foregoing document was forwarded to the District Attorney, Jaime Esparza, at the City-County Bldg., 500 E. San Antonio, El Paso, Texas 79901, on this 5th day of October, 1994.

